

United States Senate

WASHINGTON, DC 20510

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HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
JUDICIARY
RULES AND ADMINISTRATION

October 19, 2021

The Honorable Michael Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Regan,

I write to ask that you designate a team of senior EPA leaders to work with the South Coast, San Joaquin, and Bay Area Air Quality Management Districts, as well as the California Air Resources Board (CARB), to address a time-sensitive issue about which I am deeply concerned: the threat of federal funding being withheld and other sanctions imposed upon the state when the EPA has not met its own obligations to reduce air pollution.

California's Air Quality Districts and CARB have set some of the most stringent air quality regulations in the nation and have worked to pioneer near-zero and zero-emissions vehicles and clean air technologies. However, the Air Quality Districts only have direct regulatory authority over stationary sources, not the mobile sources that are the primary source of continuing air quality issues: interstate heavy-duty trucks, ocean going vessels, locomotives, and aircraft. This is part of why I wrote to President Biden on July 27, 2021 to urge the administration to swiftly revise the nitrogen oxide (NOx) exhaust emission standards for heavy-duty trucks. It is critical that EPA adopt strong regulations aligned as much as possible with California's low-NOx omnibus rule given that federally certified heavy-duty trucks are responsible for over half of the total vehicles miles traveled and the emissions generated by heavy-duty trucks in California. Issuing and implementing this rule expeditiously is critical to advancing environmental justice and to ensuring that California has a strong federal partner in our collective fight to reduce emissions and meet air quality standards under the *Clean Air Act*.

Having EPA set up this team is particularly urgent in light of President Biden's support for keeping the Port of Los Angeles open 24/7. Given the expanded operating hours at the port, additional ships being unloaded, and increased trucking activity, there will inevitably be significant increases in NOx emissions and other air pollutants, which the South Coast Air Quality Management District has no authority to regulate.

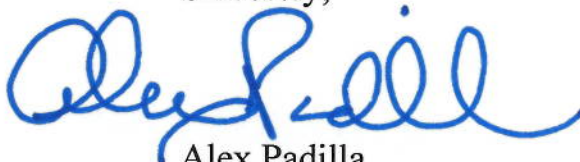
As you know, the consequences for not meeting federal air quality standards under the Clean Air Act are significant. For example, with attainment dates for the 1997 and 2008 8-hour Ozone standards quickly approaching in 2023 and 2031, South Coast, in particular, could be facing potentially devastating financial sanctions from the federal government.

I strongly support the Biden Administration's renewed focus on air quality standards. However, it would be nearly impossible at this point for South Coast and California's other major Air Quality Districts to meet federal air quality requirements on their own. For example, South Coast would need to nearly eliminate pollution from all California- and District-regulated stationary, area, and on-road mobile sources and some off-road sources in order to attain the federal ozone standards. This is simply not feasible by 2023.

Given that California's Air Quality Districts cannot feasibly rely on solely their own regulatory authority to reduce emissions enough to meet looming federal air quality standards, I believe it is necessary for EPA to meet with the Districts and CARB to develop a schedule to adopt federal regulatory requirements necessary for the regions to attain federal standards and reduce exposure to toxic air contaminants while addressing the threat of federal sanctions. Indeed, I fear that the mismatch we are seeing in California between local and federal regulatory authority and federal sanctions is just the first such instance, and it will soon become a larger problem in additional communities that will require a broader solution from EPA.

Thank you for your attention to this critical issue, and I look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Padilla', with a stylized, cursive script.

Alex Padilla
United States Senator